



# PUBLIC NOTICE

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October 11, 2005

## SBC COMMUNICATIONS INC. AND AT&T CORP APPLICATIONS FOR TRANSFER OF CONTROL OF LICENSES AND AUTHORIZATIONS

### NUMBERING RESOURCE UTILIZATION AND FORECAST (NRUF) REPORTS PLACED INTO THE RECORD, SUBJECT TO PROTECTIVE ORDER

WC Docket No. 05-65  
CC Docket No. 99-200

SBC Communications Inc. ("SBC") and AT&T Corp. ("AT&T") (collectively, the "Applicants") have filed a series of applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended (the "Communications Act").<sup>1</sup> In these applications, the Applicants generally seek Commission approval for the transfer of control to SBC of the licenses and authorizations held both directly and indirectly by AT&T. In connection with the Commission's review of the applications, the Commission intends to examine information contained in the Numbering Resource Utilization and Forecast ("NRUF") reports filed by wireless telecommunications carriers.<sup>2</sup> These data may assist the Commission in assessing the competitive effects of the transaction. Accordingly, subject to the provisions of the Second Protective Order adopted in the merger proceeding,<sup>3</sup> the Commission intends to place into the record a database containing NRUF data for all wireless telecommunications carriers within SBC's territories with data as of December 31, 2004.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan ("NANP") and related telephone numbering issues. In order to better monitor the way numbering resources are used within the NANP and efficiently allocate NANP resources, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.<sup>4</sup>

<sup>1</sup> 47 U.S.C. §§ 214, 310(d).

<sup>2</sup> See 47 C.F.R. § 1.907.

<sup>3</sup> SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control, WC Docket No. 05-65, *Order Adopting Second Protective Order*, 20 FCC Rcd. 8876 (2005) (Second Protective Order).

<sup>4</sup> See *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd. 7574, 7578-79 ¶ 5 (2000).

The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).<sup>5</sup> The NRUF reports are being placed into the record subject to the provisions of a protective order. As such, the NRUF data will not be available to the public except pursuant to the terms of the protective order, as outlined below.

Persons seeking to review the NRUF data may do so only for purposes of participating in the merger proceeding. Pursuant to the Second Protective Order, outside counsel and outside consultants participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgement of Confidentiality attached to the Second Protective Order in the merger proceeding may review the NRUF data. We emphasize that persons seeking to review the NRUF data must have adequate protections in place to prevent improper use or disclosure of the information.

The Commission will place the NRUF data into the public record subject to the safeguards contained in the Second Protective Order. Affected parties will have five business days after the filing of an Acknowledgement of Confidentiality or, if an Acknowledgement of Confidentiality has already been filed, a request to review the data, to object to the release of the data to a particular person who requests permission to review it. If disclosure is opposed, the procedures set forth in 47 C.F.R. § 0.461(i) shall apply. All filings should refer to WC Docket No. 05-65 and CC Docket No. 99-200.

Under the Commission's current procedures for the submission of filings and other documents,<sup>6</sup> objections to release of the data and responses there to may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**<sup>7</sup> comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110,

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<sup>5</sup> *Id.* at 7607 ¶ 78.

<sup>6</sup> See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd. 21,483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22,165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd. 16,705 (2003).

<sup>7</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd. 11,322 (1998).

Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or, if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, at sheryl.todd@fcc.gov, or (202) 418-7361 (facsimile); (3) Marcus Maher, Competition Policy Division, Wireline Competition Bureau, at marcus.maher@fcc.gov, or (202) 418-1413 (facsimile); (4) Bill Dever, Competition Policy Division, Wireline Competition Bureau, at william.dever@fcc.gov, or (202) 418-1413 (facsimile); (5) Jim Bird, Office of General Counsel, at james.bird@fcc.gov, or (202) 418-2822 (facsimile).

This action is taken pursuant to Sections 4(i) and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 310(d), Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, and is effective upon its adoption.

For further information, contact Sanford Williams, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400.